

STATEMENT OF PURPOSE

RS29959C1 / S1024

The Idaho Supreme Court issued an opinion in Pizzuto v. Idaho that affirms the Governor's power to review the Commission's recommendation in commutation and pardon cases involving sentences of death or life in prison. The concurring opinion's decision reached the same result but based the decision on the reasoning that the Commission does not have authority to commute or pardon these sentences based on the current language in Idaho Code section 20-1016 (2).

This change to Idaho Code clarifies that the Commission has the authority to commute or pardon a sentence of death or life in prison after first presenting a recommendation to the governor, who may approve or reject the recommendation within 30 days. This change is directly related to concerns in the concurring opinion about the Commission's authority in statute being limited by current language in Idaho Code. There would be no functional change to the Commission or Governor's processes as a result of this change.

FISCAL NOTE

There will be no fiscal impact to the General, dedicated or federal funds due to this legislative idea. The legislation is to clarify authority in the statute.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).